

# ADULT COURT SERVICES 2012 ANNUAL REPORT



## SECRETARIES

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## HISTORY OF ADULT COURT SERVICES

Adult Court Service's (ACS) first full-time court services officer (CSO) was hired in 1981 to perform pre-sentencing services which state Probation & Parole could no longer provide to Boone County. A second CSO was added in 1982 to conduct bond investigations, supervise released offenders and implement the Community Service Work Program.

In 1988, a federal court limited inmate census at the Boone County Jail, but sending excess inmates to other jails was costly. The Boone County Commission addressed the new costs by funding a third CSO to manage an electronically monitored Home Detention Program as an alternative to jail.

With passage of the Law Enforcement Sales Tax in 2002, the Boone County Commission funded a fourth CSO in January 2003 to work with alternatives to incarceration. The fifth CSO was added in July 2004, to work with judicial parole and home detention.

Since 2004, ACS has experienced level staffing with five court services officers, two secretaries and the supervisor.

## **OBJECTIVES OF ADULT COURT SERVICES**

ACS administers alternatives to incarceration. Toward that end, the objectives of ACS are:

1. Recommend pretrial release for defendants who cannot post initial bond, who pose little or no danger to themselves or to the community, and who are likely to appear in court.
2. Supervise defendants who are released from jail under ACS supervision as a condition of bond.
3. Supervise defendants who are placed under ACS supervision as a condition of probation.
4. Operate the community service work program as a sentencing alternative, recompensing harm done to the community by criminal acts.
5. Provide an electronically monitored home detention program for intensive supervision of defendants. Participants include pretrial, pre-sentence and sentenced defendants.
6. Provide supervision, monitoring, and collection efforts for defendants who owe court costs plus restitution and/or fines.
7. Provide information to defendants on programs required as a condition of probation, such as VIP, STOP, MEND and SATOP.
8. Evaluate incarcerated defendants for the Work and Education program which can include participation in Alcoholics Anonymous and Narcotics Anonymous meetings, religious services, education, and trustee work. Successful participants receive a reduced sentence and prepare for release from jail.
9. Evaluate current and future Boone County Jail inmates for participation in the Work Search/Work Release program. Successful participants obtain and maintain employment, pay their confinement costs and earn income which can be used for other debts.
10. Provide staff support for videoconference hearings for defendants in the Boone County Jail.

## **FORWARD**

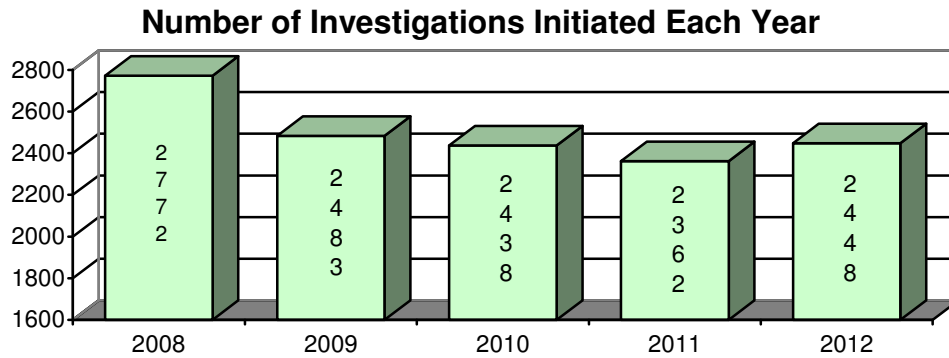
In 2012 Adult Court Services experienced significant statistical changes in several programs. Bond investigations, bond supervision and video use increased, while home detention reports, home detention supervision, probation, community service and other programs declined.

Several events may have impacted ACS programs. Since the fall of 2011, an effort has been made to place only those defendants under ACS probation supervision who qualify under the guidelines set forth in Administrative Order 11-09. Also in the fall of 2011 changes in section 302.321, RSMo, affected sentencing guidelines for certain driving offenses. These guidelines require only a fine being imposed where previously sentencing options included jail time, all or part of which could be served through home detention, and/or placement in ACS probation, which could include conditions such as community service work and the victim impact panel.

In February 2012 ACS presented the Criminal Justice Coordination Committee with information analyzing a decline in home detention participants. In July a more detailed analysis was presented to the Court en Banc in an attempt to determine a specific cause of the decline. While it was noted the changes in section 302.321 likely had some impact, it was clear the decline in numbers included all types of offenses; there appeared to be no primary reason for the decline. In November home detention participant numbers began returning to historically typical levels.

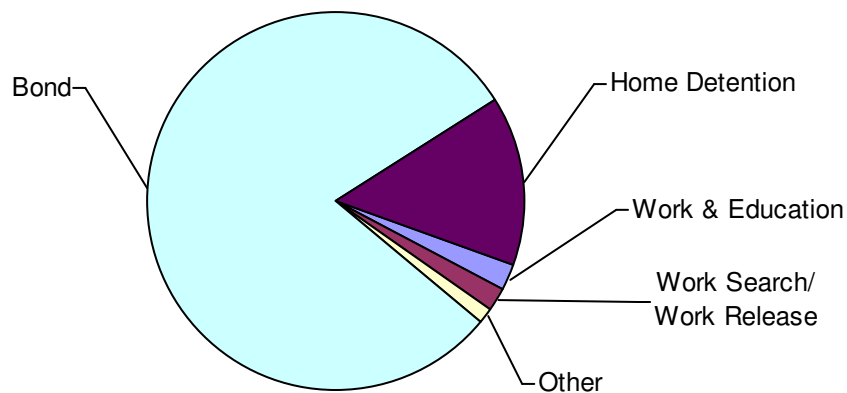
Finally, in December the Presiding Judge presented information at a Criminal Justice Coordination Committee meeting suggesting the total in custody averages for the jail were at a ten year low. As some ACS programs are driven in part by the jail population, a lower total in custody population can be assumed to translate into fewer participants in ACS programs.

## 2012 STATISTICAL OVERVIEW



ACS initiated 2,448 investigations in 2012, 86 (4 percent) more than 2011's 2,362 investigations. Of the 2,448 investigations, 1,956 (80 percent) were bond investigations; 353 (15 percent) were home detention/ sentencing studies; 50 (2 percent) were work search/ work release studies; 56 (2 percent) were work and education studies; and the remaining 33 (1 percent) were judicial parole and furlough studies.

### 2012 Investigations Initiated by Type

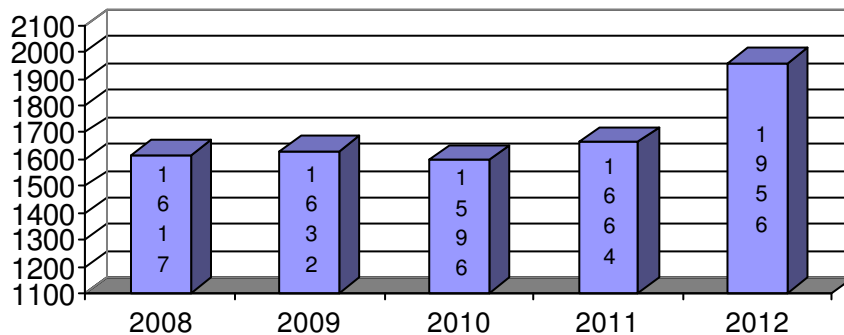


## BOND INVESTIGATIONS

The court orders a bond investigation for defendants at the Boone County Jail who cannot post the set bond. A thorough criminal history check is made and the defendant is interviewed about ties to the community, employment history, and other factors. Information is also obtained from third parties. The report completed by this office presents the facts and recommends a course of action to the court based on the subject's suitability for release from custody.

Recommendations regarding bond can include no reduction, posting a percentage of the bond in cash, reduction in bond, home detention, or release on own recognizance. Bond investigations are initiated as soon as possible after incarceration and completed within policy guidelines.

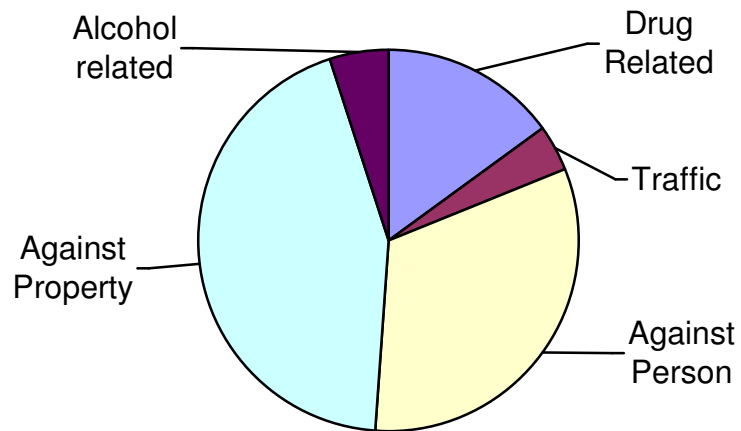
**Bond Investigations: Number of Reports Initiated**



ACS initiated 1,956 bond investigations in 2012, compared with 1,664 in 2011. Total jail days in 2012 for the Boone County Jail facility was 64,605, a decrease of 2,920 (4 percent) from 2011's total of 67,525 days.

ACS completed 1,971 bond investigations in 2012, 311 more than in 2011. The court ordered no reduction in 81 percent of the cases, release on own recognizance in 11 percent, reduced bond/percentage of bond in 6 percent and home detention in 2 percent. This compares with 2011 disposition rates of no reduction in 80 percent of the cases, release on own recognizance in 12 percent, reduced bond/percentage of bond in 5 percent and home detention in 3 percent.

### 2012 Bond Investigations By Offense



In 2012, 32 percent of the bond investigations initiated were for charges of crimes against persons, 44 percent for charges of crimes against property, 15 percent for drug-related charges, 5 percent for alcohol-related charges and 4 percent for traffic-related charges.

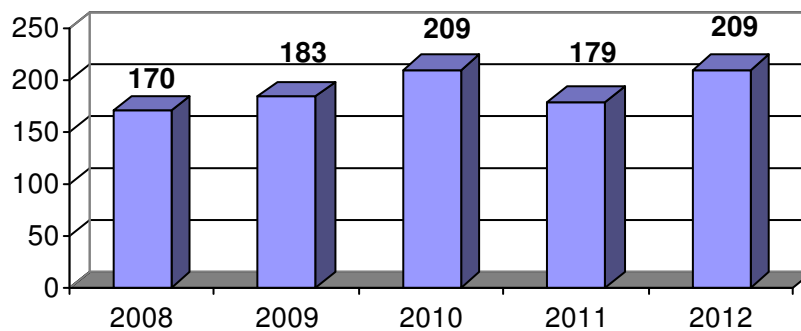
## BOND SUPERVISION

Defendants released from custody pursuant to a bond investigation are usually subject to ACS supervision until disposition of the case. Defendants report at least once a week to ACS and provide updated information regarding employment, telephone number, address, attorney, activities, and next court appearance.

Conditions may be applied to a defendant's release such as participating in treatment or counseling programs, restriction from visiting certain places, and having no contact with alleged victims or co-defendants. Defendants who do not report as directed or who are found to be in violation of their bond conditions are reported by ACS to the court and are subject to revocation.

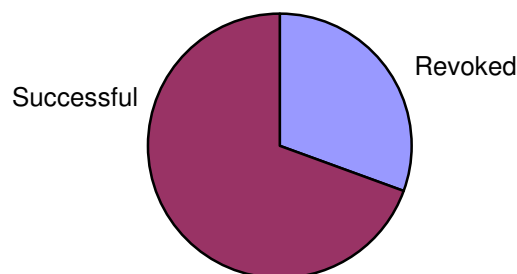
Defendants spent 22,343 days under bond supervision by case in 2012, a 27 percent increase from 2011's 17,566 days.

**Bond Supervision: Cases Completed**



In 2012, defendants in 209 cases completed ACS bond supervision, a 17 percent increase from 2011's 179 completed cases. The chart below reflects that 69 percent of completions were successful and the remaining 31 percent were revoked due to a violation of conditions.

**Bond Supervision: 2012 Outcomes**





## HOME DETENTION PROGRAM

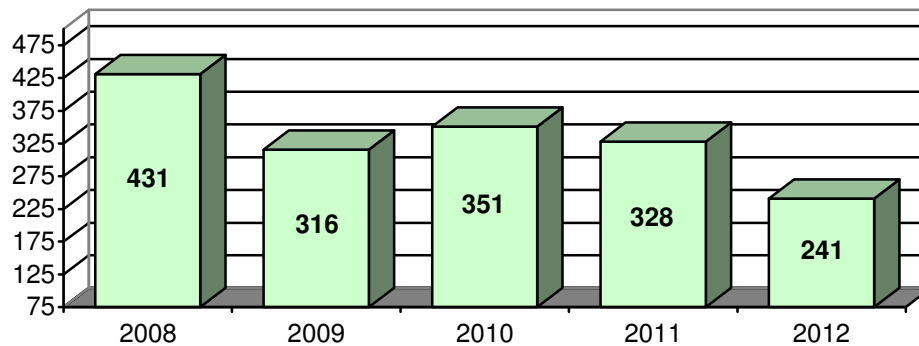
Home detention is an intensive supervision program that utilizes electronic monitoring equipment to assist in ensuring compliance. ACS determines the defendant's eligibility for the program and makes a recommendation to the court. Public safety and program integrity are reflected in the screening, selection, and supervision of program participants.

Each program participant is electronically monitored 24 hours a day and follows a pre-set schedule. The electronic equipment reports when the defendant leaves and returns home and whether certain conditions (e.g., banned places, no alcohol consumption) are being followed.

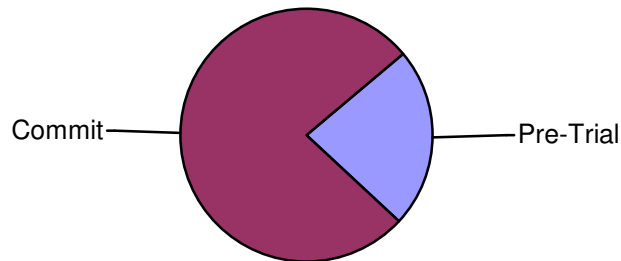
In 2012 ACS completed home detention reports in 353 cases, down 24 percent from 2011's 465 cases. The court granted ACS supervised home detention to 67 percent compared with 2011's 72 percent. 12 percent were non-Boone County residents granted home detention with third party supervision. The remaining 21 percent were denied home detention by the court.

In 2012, defendants in 241 separate cases participated in the home detention program, a 27 percent decrease from 2011's 328 figure.

**Home Detention Program: Yearly Participant Total By Case**



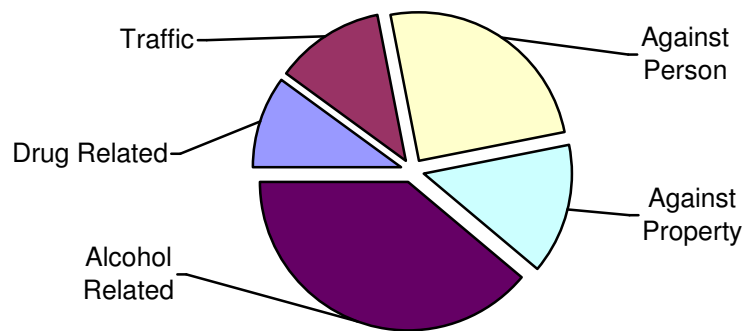
**Home Detention Program:  
2012 Sentence Status By Case**



Of the 2012 ACS-supervised home detention cases, 89 percent successfully completed the program and 11 percent were revoked. 23 percent of 2012's cases were in pre-trial status and 77 percent were post-sentence (commit).

39 percent of 2012's home detention admissions had been charged with or convicted of alcohol related offenses, 25 percent for crimes against persons; 12 percent for traffic-related offenses (such as driving while suspended or revoked); 14 percent for crimes against property; and 10 percent for drug-related offenses.

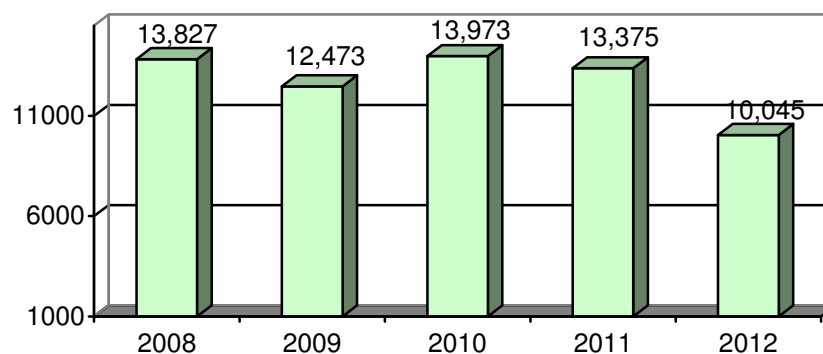
**Home Detention Program:  
2012 Participants By Offense**



Home detention defendants paid the court \$69,584 in 2012 to participate in the program. The court paid \$35,645 to its equipment vendor. The \$33,939 difference helped offset personnel and administrative costs of the program and helped to fund equipment for defendants who were truly unable to pay.

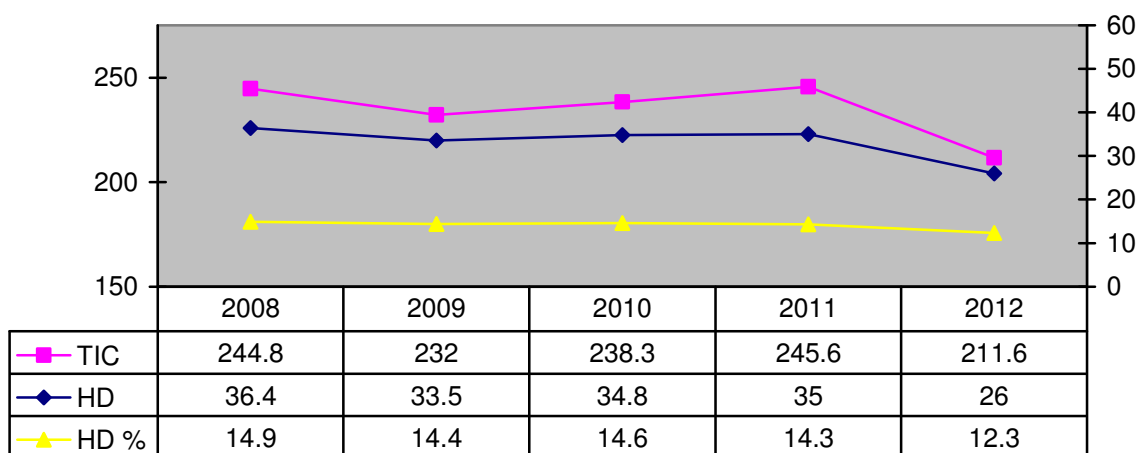
Defendants spent 10,045 days on ACS supervised home detention by case in 2012. By comparison, defendants served 13,375 ACS supervised home detention days by case in 2011.

**Home Detention: Days In Lieu of Jail by Case**



The home detention program averaged 26 participants per day in 2012 versus 35 in 2011. This program has grown since its initial year of 1989 when an average of 7 participants per day participated.

### Total In Custody and Home Detention



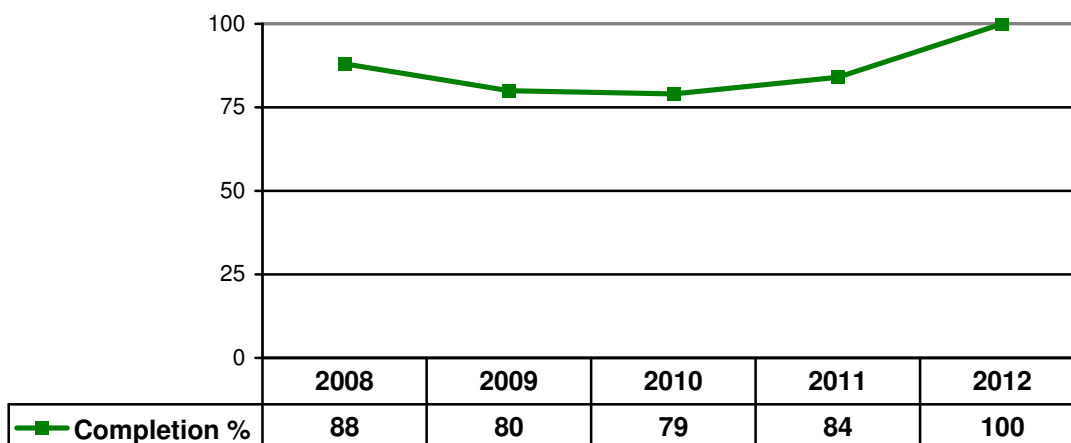
The above chart shows the 2012 decrease in the daily average home detention population corresponding with a significant decrease in the daily average total in custody population.

## COMMUNITY SERVICE WORK

Community service work (CSW) recompenses the community for the harm caused to it by criminal acts. ACS supervises two types of CSW: (1) CSW ordered as a condition of ACS supervised probation, and (2) CSW allowed by the court upon ACS's recommendation in lieu of paying a fine.

CSW may only be performed at a qualified, not-for-profit agency. Not-for-profit means the agency has either an IRS tax exemption letter or a Missouri sales tax exemption letter. This and all other CSW policies are explained at the outset to each program participant. ACS's goal is to maximize successful outcomes.

**Community Service Work  
Completion Percentage**



In 2012 ACS supervised defendants were assigned 3,866 hours. They completed 3,909 hours for a completion rate of over 100%. This compares to 2011's 7,406 assigned and 6,213 completed hours with a completion rate of 84%. ACS notifies the court if a defendant fails to complete CSW.

Changes to driving related offenses in RSMo 302.321 and stricter adherence to probation eligibility as defined in Administrative Order 11-09 have reduced the number of hours ACS supervises.

At the standardized \$10 per hour used by the court to value CSW hours, the 3,909 program hours completed in 2012 represent a \$39,090 return to the community through participating not-for-profit agencies.

There is a time lag between the date that CSW is ordered by the judge and the date it is completed by the defendant. As a result, same year CSW hours ordered and completed are not entirely comparable.

## COSTS, FINES, & RESTITUTION PROGRAM

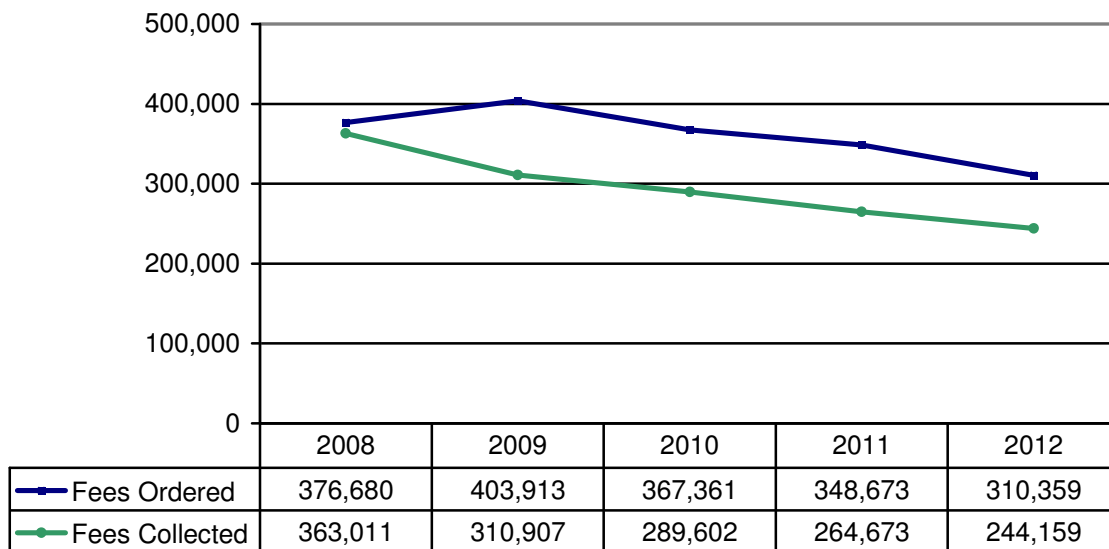
ACS supervises defendants who cannot pay their full costs, fines and restitution on sentencing day. ACS negotiates a payment plan with each defendant and recommends it for court approval.

Once approved by the court ACS monitors payments, recommends extension requests for defendants who genuinely attempt to meet their financial obligations, sends out overdue notices, and submits warrant requests to the court for those who do not pay as directed.

In 2003, the court adopted a policy that all court costs, fines and restitution are due the day of sentencing. Since payment plans are the only alternative to immediate payment, the policy has produced a large number of payment plans and increased collections.

ACS negotiated 731 payment plans in 2012 compared to 2011's 742 plans. Payment plans are only available if the defendant owes fines and/or restitution in addition to costs. Unpaid costs-only cases are collected through other programs, including the tax intercept program, collections by the circuit clerk's office and collections made by the court's third-party collection agency.

**ACS Supervised Payment Plans  
Ordered and Collected**



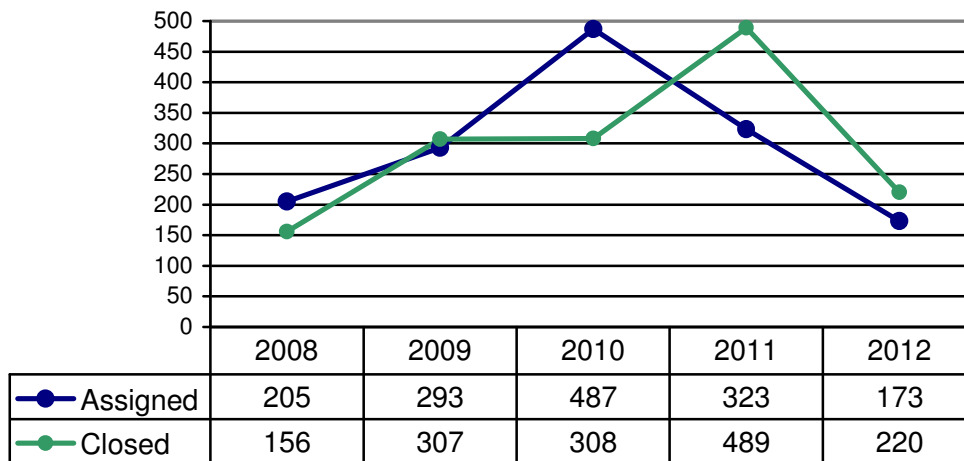
Court-ordered amounts in 2012's 731 payment plan cases totaled \$310,359, a 9 percent decrease from 2011's \$348,940. Collections on ACS' time payment plans totaled \$244,159 in 2012, a 7 percent decrease from 2011's \$264,673. Collections in 2012 were 79 percent of payment plan totals, an increase from 2011's 76 percent.

There is a time lag between the date that a payment plan is approved by the judge and the dates payments are made on the payment plans. As a result, same year payments and amounts ordered are not entirely comparable.

## ADULT COURT SERVICES SUPERVISED PROBATION

The ACS probation program began in 2003 in response to statutory changes removing certain Class A misdemeanors from state Probation and Parole supervision. Defendants who meet certain specific ACS probation conditions are removed from active supervision and their cases are converted to unsupervised probation.

**Adult Court Services Supervised Probation  
Annual Assigned vs Closed**

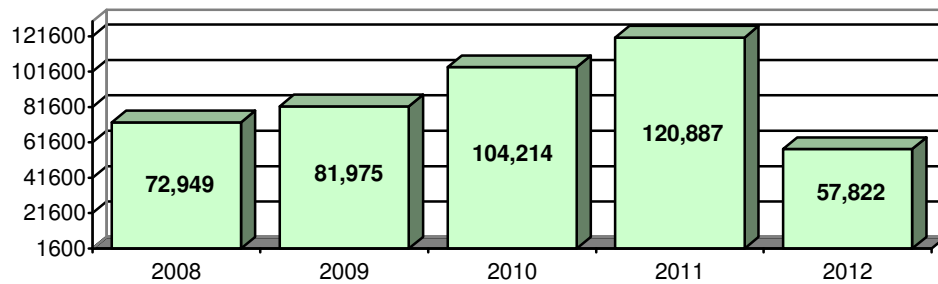


In 2010 the number of defendants on ACS supervised probation far exceeded program expectations and capacity. An effort was made to improve compliance with the parameters of probation set forth in Administrative Order 11-09. The result of these efforts was to bring probation cases back in line with program capacity, which is estimated to be between 170 and 250 cases.

In During 2012, individuals in 173 cases commenced ACS supervised probation, a 33.6 percent decrease from 2011's 323 cases. Of the 173 assigned in 2012 and the 205 already on probation from 2011, 220 were released from probation in 2012. 181 of the 220 (82 percent) successfully completed their probation and 39 (18 percent) were unsuccessful (probation revoked).

Boone County defendants served 57,822 days on ACS-supervised probation in 2012, a 48 percent decrease from 2011's 120,887 days. The decline of ACS-supervised probation days is reflective of both the intended decline in the number of defendants assigned and more effective and efficient supervision.

**Adult Court Services Supervised Probation:  
Total Days of ACS Probation**



## **VICTIM IMPACT PANEL**

Certain traffic offenders are ordered by the court to attend the Victim Impact Panel (VIP) as a condition of probation. During this program, panelists share their experiences with serious traffic accidents in a non-judgmental way. Most drivers realize that serious traffic accidents impact victims, their families and those who care about them. The VIP program gives names and faces to victims and increases awareness of how events impact real people.

In 2012, 572 defendants attended the VIP program at the Boone County Courthouse. Defendants are required to pay a fee to attend the program, a portion of which is provided to the court. Revenue from this fee totaled \$2,860.

Defendants who live a distance from the Boone County Courthouse, or who cannot attend this program on the first Monday of each month, can request approval from the court to attend a more convenient program, provided it offers the same teaching format and substantive content.

## **WORK & EDUCATION**

Adult Court Services began providing work and education reports for the court in August, 1997. Boone County Jail inmates can petition the court to participate in this program. In response this petition, ACS provides the court a report and recommendation on each application. This program provides experience and training which can translate into jobs after jail release. Inmates receive a one-day reduction in sentence for each eight hours of approved participation in work and education programs.

In 2012 ACS completed work and education reports in 56 cases, a 23 percent decrease from 2011's 73. The court granted 32 percent of the 2012 petitions, a decrease from 2011's rate of 40 percent.

## **WORK SEARCH / WORK RELEASE**

The work search/work release program began in March, 2001. Boone County Jail inmates may petition the court to participate in this program. If ordered, ACS provides the court with a report and recommendation. This program provides inmates the opportunity to obtain or maintain employment while incarcerated.

If the judge approves participation in the program, the inmate is released from the jail to Reality House to seek employment. If the inmate finds employment or already is employed, he is released to Reality House to be supervised. The inmate leaves Reality House to job search or go to work and returns to Reality House daily.

In 2012 ACS completed work search/work release reports in 49 cases, a 48 percent decrease from 2011's 94. The court granted 60 percent of the 2012 petitions, a slight increase from 2011's rate of 59 percent.



## JUDICIAL PAROLE

The ACS judicial parole program was established in 2004 to supervise Boone County inmates who had partially completed their sentences and were deemed not dangerous to the community or to themselves. Each day served on judicial parole counts as a jail day served in determining a defendant's release date.

In 2012, ACS completed judicial parole reports in 28 cases, a 49 percent decrease from 2011's 55. The court granted 11 percent of the 2012 requests for Judicial Parole, a decrease from 2011's 15 percent.

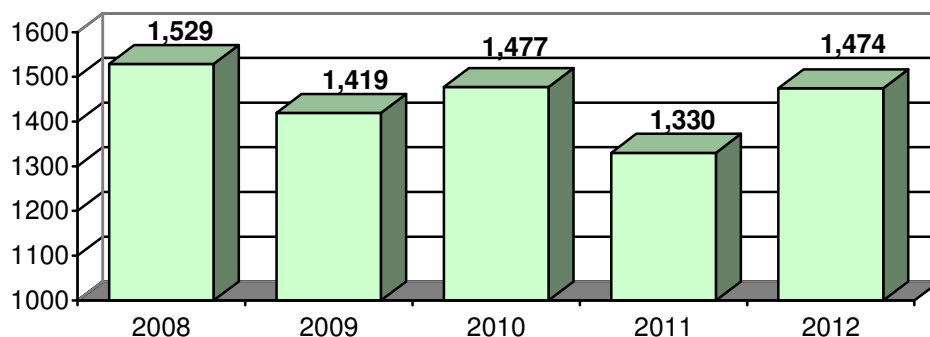
3 Boone County Jail inmates were granted ACS-supervised judicial parole in 2012, compared with 5 in 2011. In 2012 ACS supervised 148 judicial parole days in lieu of incarceration compared with 301 judicial parole days in 2011. Each judicial parole day equates to one fewer jail day. At \$35 per day, the 148 saved confinement days saved Boone County taxpayers \$5,180.

## VIDEO CONFERENCING

Defendants in the Boone County Jail who have active cases in the court may attend hearings by video conference between the jail and the court.

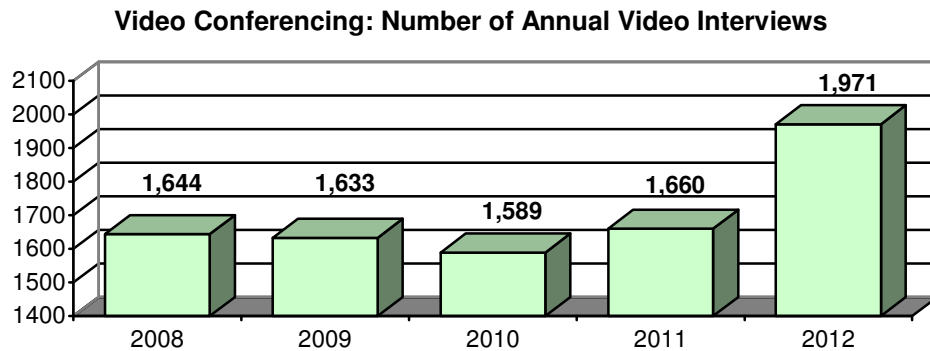
Boone County cases eligible to be heard by video conference include initial arraignments, bond reduction hearings, counsel status hearings, first appearance on warrants issued for probation violation hearings and returns on warrants issued for failure to appear. In 2012 the court utilized video conferencing in 1,474 proceedings, an 11 percent increase from 2011's 1,330 proceedings.

**Video Conferencing: Number of Annual Video Proceedings**



The 1,474 video proceedings conducted in 2012 represent an average of 5.9 such proceedings per business day, a slight increase from 2011's 5.3 per business day.

In addition to court proceedings which are conducted using video communications, every defendant arrested and held in the Boone County Jail who cannot post bond is interviewed by a CSO using video conference. These interviews enable the CSO to obtain material information from the defendant to better evaluate the defendant's potential danger to the community and to answer any questions the defendant might have. In 2012, ACS completed 1,971 bond investigations on Boone County Jail inmates. This represents an average of 8.2 video interviews by CSOs each business day.



In the fall of 2012 a committee was created to investigate the usage of video conferencing for defendants housed in the Department of Corrections. Use of video in these instances is projected to save significant jail days, transportation and personnel costs.